

## **REMARKS**

### **DETAILED ACTION**

The Examiner states the new CRF disk and paper copy of the sequence listing are noted, and that the CRF does not match application specification.

Applicants are submitting a replacement CRF disk and substitute Sequence Listing with the Statement of Support. Applicants herein request that the replacement CRF disk be made of record and substitute Sequence Listing be entered into the specification.

### **CLAIM REJECTIONS - 35 U.S.C. § 112**

Claims 1-9, 33-34, and 36-38 were rejected under 35 U.S.C. § 112, first paragraph, because the specification does not reasonably provide enablement for any and all APAO and fumonisin esterase encoding polynucleotides, or host cells comprising them.

Applicants have amended claims to recite a particular fumonisin esterase and APAO. Applicants respectfully submit that the dependent claims by virtue of their dependency contain all the limitations of their respective amended independent claims.

Although not acceding to the Examiner's rejection, Applicants have cancelled claim 33. Applicants have amended claim 34, which is supported by the application as filed.

### **WRITTEN DESCRIPTION**

Claims 1-9, 33-34, and 36-38 were rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner states in the Office Action dated October 2, 2002 that the Applicant has not described a specific structural, physical and/or chemical properties, for all fumonisin esterase or APAO encoding sequences. Therefore, the disclosure of a single or few species within the genus would not provide adequate written description for all the species within the species, absent more.

Applicants have amended claim 1 to recite a specific fumonisin esterase and APAO. Applicants respectfully submit that the dependent claims to these respective independent claims, contain, by virtue of their dependency all the limitations of the amended independent claims.

Although not acceding to the Examiner's rejection, Applicants have cancelled claim 33. Applicants have amended claim 34, which is supported by the application as filed.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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